

MAURICE MOORE,	)	
	)	
Plaintiff,	)	4:16CV3043
	)	
V.	)	
	)	
JEFFRE CHEUVRONT,	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
Defendant.	)	
	)	

## I. STANDARDS ON INITIAL REVIEW

Pro se plaintiffs must set forth enough factual allegations to “nudge[] their claims across the line from conceivable to plausible,” or “their complaint must be dismissed.” [\*Bell Atlantic Corp. v. Twombly\*, 550 U.S. 544, 569-70 \(2007\)](#); *see also* [\*Ashcroft v. Iqbal\*, 556 U.S. 662, 678 \(2009\)](#) (“A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.”).

“The essential function of a complaint under the Federal Rules of Civil Procedure is to give the opposing party ‘fair notice of the nature and basis or grounds for a claim, and a general indication of the type of litigation involved.’” [\*Topchian v. JPMorgan Chase Bank, N.A.\*, 760 F.3d 843, 848 \(8th Cir. 2014\)](#) (quoting [\*Hopkins v. Saunders\*, 199 F.3d 968, 973 \(8th Cir. 1999\)](#)). However, “[a] pro se complaint must be liberally construed, and pro se litigants are held to a lesser pleading standard than other parties.” [\*Topchian\*, 760 F.3d at 849](#) (internal quotation marks and citations omitted).

Liberally construed, Plaintiff alleges federal constitutional claims. To state a claim under [42 U.S.C. § 1983](#), a plaintiff must allege a violation of rights protected by the United States Constitution or created by federal statute and also must show that the alleged deprivation was caused by conduct of a person acting under color of state law. [\*West v. Atkins\*, 487 U.S. 42, 48 \(1988\)](#); [\*Buckley v. Barlow\*, 997 F.2d 494, 495 \(8th Cir. 1993\)](#).

## II. DISCUSSION

Plaintiff sues Nebraska state court judge Jeffre Chevront, alleging that Judge Chevront violated his constitutional rights. Essentially, Plaintiff complains that Judge Chevront wrongfully affirmed a conviction and sentence imposed on Plaintiff by the state county court.

Plaintiff’s claim against Judge Chevront is precluded by the *Rooker-Feldman* doctrine. This doctrine provides that, with the exception of habeas corpus petitions, lower federal courts lack subject matter jurisdiction over challenges to state court judgments and state proceedings. [\*Mosby v. Ligon\*, 418 F.3d 927, 931 \(8th Cir. 2005\)](#). See [\*D.C. Court of Appeals v. Feldman\*, 460 U.S. 462, 476 \(1983\)](#); [\*Rooker v. Fid. Trust Co.\*, 263 U.S. 413 \(1923\)](#). Specifically, the doctrine “bars federal courts from hearing cases brought by the losing parties in state court proceedings alleging ‘injury caused by the state-court judgment and seeking review and rejection of that judgment.’”

Mosby, 418 at 931 (quoting Exxon Mobil Corp. v. Saudi Basic Indus. Corp., 544 U.S. 280 (2005)). In order for Plaintiff to properly challenge Judge Chevront's state court order, he must seek the appropriate state remedies.

Plaintiff's claim against Judge Chevront is also barred by judicial immunity. Judges are absolutely immune from suits for damages arising from acts, whether or not erroneous, in their judicial capacities, as long as such actions were not taken in the complete absence of all jurisdiction. Mireles v. Waco, 502 U.S. 9, 11-12 (1991). Plaintiff's allegations are insufficient to establish a plausible claim that Judge Chevront's actions were outside the scope of normal judicial functions or that his actions were taken in complete absence of all jurisdiction. Accordingly, Judge Chevront is immune from suit.

IT IS ORDERED that this case is dismissed. The court will enter judgment by separate document.

Dated this 11<sup>th</sup> day of May, 2016.

BY THE COURT:

*Richard G. Kopf*  
Senior United States District Judge